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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,696	11/06/2001	John Eric Arnold	DN1999111USA	1392

7590

12/26/2002

The Goodyear Tire & Rubber Company  
Patent & Trademark Department D 823  
1144 East Market Street  
Akron, OH 44316-0001

EXAMINER
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NGUYEN, XUAN LAN T

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 12/26/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/009,696

Applicant(s)

ARNOLD ET AL.

Examiner

Lan Nguyen

Art Unit

3683

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 06 November 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☒ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☒ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2.
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☒ Other: Attachment #1.

## **DETAILED ACTION**

### ***Priority***

1. Acknowledgment is made of applicant's claim for foreign priority based on an application, PCT/US99/10422, filed on May 12, 1999. It is noted that the International Search Report has been received along with the amended sheets for the specification. However, the entire disclosure of the invention has not been received.

### ***Oath/Declaration***

2. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: the PCT application needs to be listed under the claimed priority benefit section.

### ***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-6 are rejected under 35 U.S.C. 102(b) as being anticipated by Leonard.

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Re: claim 1, Leonard shows an airspring, as in the present invention, comprising: a flexible sleeve 8; first retainer 4; second retainer 6; wherein second retainer 6 having an integral bumper-contact surface (see attachment #1) within the sleeve 8 for axial movement into the sleeve, for contact with the first retainer 4; and for absorbing and transmitting forces generated from such contact.

Re: claims 2, 3 and 4, Leonard shows support ribs 21 wherein said ribs are substantially radially extending; and are a series of concentrically disposed.

Re: claims 5 and 6, please see attachment #1 where the Examiner marks the first contact surface, the second contact surface and the proportions of the heights as claimed.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Leonard.

Leonard's airspring, as discussed in the rejection of claim 1 above, lacks the beads. The Examiner takes an Official Notice that having beads at the ends of the flexible sleeve of an airspring is old and well known in the airspring art where the beads are formed with the sleeve in order to improve the seal between the sleeve and the retainers. Hence, it would have been obvious to one of ordinary skill in the art at the

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time the invention was made to have modified Leonard's airspring to include the beads with the sleeve in order to improve the seal between the sleeve and the retainers.

7. Claims 8 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leonard in view of Koschinat et al. (USP 4,890,823).

Leonard's airspring, as discussed in the rejection of claim 1 above, is silent of a material being used in the construction of the second retainer. Koschinat et al. teach the concept of using a glass fiber-reinforced plastic material in the construction of retainer 1, column 2, lines 7-18 to lighten the weight of the retainer as well as providing a non-corrosive retainer that could withstand the force of contact from the upper retainer. It would have been obvious to one of ordinary skill in the art at the time the invention was made to have used a glass fiber-reinforced plastic material such as taught by Koshinat in the construction of Leonard's retainer in order to lighten the weight of the retainer as well as providing a non-corrosive retainer that could withstand the force of contact from the upper retainer. Regarding the claimed tensile and flex strengths in claim 8, these are considered design choices and would have been different to each airspring depending on the vehicle that the airspring is being designed.

### ***Conclusion***

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. McGavern, Jr. et al., Weitzenhof, Koschinat et al. (USP 5,060,916), Ecktmann and Trowbridge show various other airsprings.

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9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lan Nguyen whose telephone number is 703-308-8347.

The examiner can normally be reached on M-F, 9 to 5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jack Lavinder can be reached on 703-308-3421. The fax phone numbers for the organization where this application or proceeding is assigned are 703-305-7687 for regular communications and 703-305-7687 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-306-4177.

XLN

XLN  
December 18, 2002

CHRISTOPHER P. SCHWARTZ  
PRIMARY EXAMINER  
*Christopher P. Schwartz*

# ATTACHMENT # 1

U.S. Patent Jan. 14, 1986

Sheet 2 of 2

4,564,177

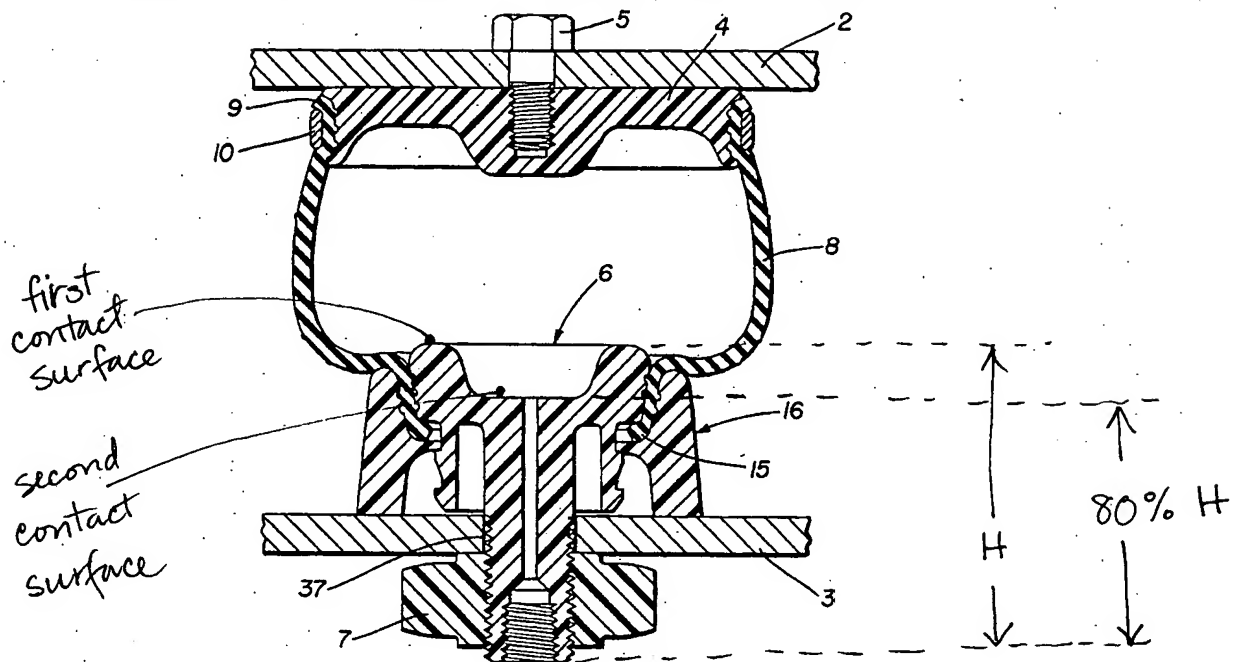


FIG. 2

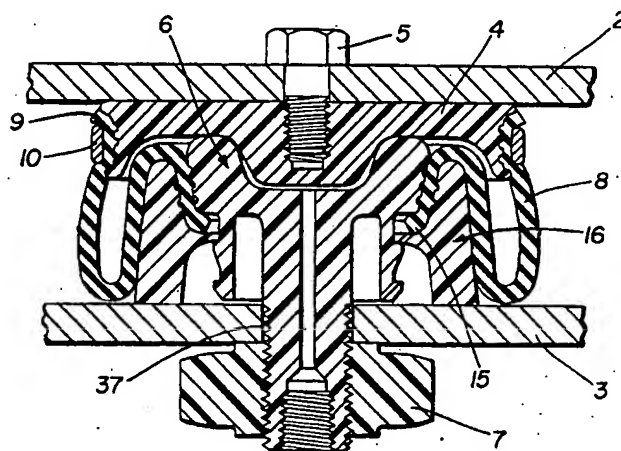


FIG. 3